



Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, MARCH 25, 1998

AT
(202) 616-2771
TDD (202) 514-1888

JUSTICE DEPARTMENT ALLOWS SHARING OF INFORMATION
TO FACILITATE JOINT OPERATION OF WIRELESS
COMMUNICATION ANTENNA SITES

WASHINGTON, D.C. -- The Department of Justice today approved a proposal by a trade association of wireless communications carriers, that will enable carriers to exchange information so that they can jointly operate antenna sites.

The proposal by the Personal Communications Industry Association (PCIA) would allow PCIA to create an information exchange, known as the Site Search Clearinghouse (SSC). Through SSC, wireless carriers would be able to learn in a timely manner whether another carrier is interested in building an antenna in an area suitable for joint construction and operation. In the past, wireless communications services have been provided to the public through an integrated network of antenna sites, telephone lines and switching stations.

In recent years, obtaining appropriate antenna sites has become more difficult and time consuming because of increased environmental concerns of local authorities. Some local authorities have even required wireless carriers to demonstrate that they have exhausted joint antenna site operation

possibilities as a condition of approving new antenna sites. Currently, there is no reliable means by which a carrier can determine in a timely manner whether any other companies may be planning to construct new antenna sites in a desired area.

Under the proposal interested carriers would be able to enter negotiations for the joint acquisition and construction of a single facility that will meet their respective technological needs. They also would be able to attempt to negotiate adjustments to the specific location and physical characteristics of the proposed facility so that it can be readily integrated into each carrier's overall network.

Under the PCIA plan, a carrier seeking to begin an expansion program would submit search ring information for its proposed antenna sites for entry into the SSC database. The search ring information would be in the form of the latitude and longitude of the optimal site location, together with one of several specified search radii. The SSC system would identify any instances in which one of the proposed search rings submitted by the carrier overlaps with a search ring entered into the database by another carrier within the prior six months. When an overlap is discovered, the SSC system would notify both carriers of the potential co-location opportunity.

The notification would be limited solely to (a) the identity of the specific search ring submitted by the notified carrier that may present a co-location opportunity; (b) the identity of the other carrier that is also seeking an antenna site in the same area; and, (c) the name, address and phone number of the individual at the other carrier who has been designated to handle

SSC notifications and inquiries.

Once both carriers have been notified, the SSC would play no further role in any subsequent co-location efforts. It would be up to each individual carrier to determine whether to pursue a possible bilateral co-location arrangement with the other carrier. Should the carriers decide to pursue bilateral negotiations, they would do so independently and neither SSC nor PCIA would have any involvement in those discussions.

Access to the SSC would not be restricted. Licensed wireless carriers will be permitted to participate in the SSC system on fair and reasonable terms, whether or not they are members of PCIA. Non-members of PCIA will be encouraged to submit data and will be charged a nominal fee.

In a business review letter issued by the Department, Joel I. Klein, Assistant Attorney General in charge of the Antitrust Division stated, "the limited nature of the information that would be exchanged through the SSC leads the Department to conclude that such exchanges are not likely, by themselves, to have anticompetitive effects. Nor do we believe that the exchanged information would be likely to lead to or facilitate other ancillary or independent agreements that would subvert competition."

While Klein noted that a broad exchange between rivals of their future expansion plans could raise antitrust risks, the Department concluded that "the limited type of information to be exchanged through the SSC system should have no anticompetitive effects. The fact that a carrier has entered the active site acquisition/construction phase in a particular geographic area

within its licensed market is not particularly sensitive information and generally becomes public knowledge within a relatively short period of time. The SSC system will only notify carriers about the existence of individual search ring overlaps, and will not be used to exchange competitively sensitive long-range plans for system implementation and enhancement."

Moreover, Klein observed that if the proposal reduced regulatory barriers to entry and thereby facilitated greater competition against the incumbent phone and cellular carriers, it could have a procompetitive effect.

Under the Department's business review procedure, a person or organization may submit a proposed action to the Antitrust Division and receive a statement as to whether the Division will challenge the activity as a violation of federal antitrust laws.

A file containing the business review request and the Department's response may be examined in the Antitrust Documents Group, Suite 215, Liberty Place, 325 7th Street, N.W., Washington, D.C. 20530. After a 30-day waiting period, the document supporting the business review will be added to the file.

###